

HEIRS OF LEIGHTON YANCEY.

MARCH 5, 1840.

Laid on the table.

Mr. ELY, from the Committee on Revolutionary Claims, made the following

REPORT:

*The Committee on Revolutionary Claims, to whom was referred the petition of the heirs of Leighton Yancey, report:*

That, at the second session of the last Congress, an unfavorable report was made on this claim, which the committee adopt as their report, as follows: That the petitioners represent that Leighton Yancey was a captain in the continental line of the army of the revolution, and, having served to the end of the war, was entitled to commutation pay of an officer of that grade; that he was allowed and received the commutation pay of a lieutenant only, and pray that Congress will allow them the five years' full pay of a captain, deducting therefrom the five years' full pay of a lieutenant formerly received by said Yancey. In support of this claim, an act of the Virginia Legislature, passed the 12th of January, 1798, is relied on. The preamble of this act recites that, during the late war, Leighton Yancey served as a lieutenant in the first regiment of light dragoons, commanded by Colonel Theodore Bland, and that he afterwards became entitled to the rank of a captain; that before he obtained a commission as such, the treaty of peace was concluded; in consequence of which, he has only received the bounty of land allowed a lieutenant, and it is reasonable he should be allowed a bounty proportionate to his services. The enacting part of the act then directs the register of the land office to issue to the said Leighton Yancey a warrant for one thousand three hundred and thirty-four acres and one-third of an acre of land, it being the difference between the bounty allowed a lieutenant and that of a captain. This is all the evidence filed in the case, except an extract from the records of the executive department of Virginia, showing that Leighton Yancey was entitled to the proportion of land allowed a captain of the continental line for six months' service over six years.

This being the state of the case, the committee entertain no doubt that Leighton Yancey was not entitled to the commutation pay of a captain. The act above recited shows clearly that, whatever his services might have been, he never, during the revolutionary war, bore the commission of a captain, and, by consequence, cannot have been a captain in fact. No supposed title to the rank of a captain can, in the opinion of the committee, constitute a captaincy without a commission. The committee have therefore come to the following resolution:

*Resolved,* That the prayer of the petitioners be rejected.

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